

Chapter 28

Retaining Farm/Ranch Employment

28.1 Authority: 34 CFR 361.42

28.2 Policy

Through a partnership with Utah State University's AgrAbility of Utah Project, VR Counselors assist farmers and ranchers who meet VR eligibility criteria to maintain existing farm and/or ranch employment. Services are designed to provide appropriate physical/mental restoration, assistive technology and worksite accommodations to ameliorate the functional limitations caused by the disability. USOR does not assist with the purchase of real property, major construction of buildings, or establishing new farms and ranches. USOR will not assist in retaining farm/ranch employment where it is determined that the operation is not fiscally viable.

28.3 Process

A. Referrals:

Farmers/Ranchers with disabilities may be referred to VR by AgrAbility of Utah outreach specialists. In addition VR Counselors may refer eligible individuals to AgrAbility of Utah. In either case the VR Counselor will partner with the AgrAbility Specialist to ensure that the referral and application process is coordinated.

B. Eligibility:

Eligibility criteria for people with disabilities who are engaged in existing farm/ranch employment are the same as the eligibility process for all other VR applicants (See CSM Chapter 5). To be eligible for VR services an applicant must have a physical or mental impairment that, for that individual, constitutes or results in a substantial impediment to employment and the applicant requires VR services to prepare for, secure, retain, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Through the eligibility assessment VR Counselors will establish how the disability creates an impediment to employment assessing which farm/ranch essential job functions are affected by the impairment. Secondary employment is common with individuals engaged in farm/ranch employment. The VR Counselor should work with the applicant to determine which employment is considered their primary employment and base eligibility on their primary employment setting. VR Counselors are encouraged to consult with AgrAbility of Utah Project staff and their supervisory chain of command when necessary.

C. Comprehensive Assessment of Rehabilitation Needs:

VR must conduct a comprehensive assessment of rehabilitation needs to determine the employment outcome and nature and scope of vocational rehabilitation services that will be included in the IPE. The nature of farm/ranch culture, economics/finances, and workplace environment is often very unique and should be a primary consideration as the VR Counselor works with the client. Because of the unique nature of this kind of employment, USOR has developed a partnership with the AgrAbility of Utah Project that includes a basic Farm/Ranch Assessment under the terms of the program's grant. This assessment can be

used as a key component of the comprehensive assessment of rehabilitation needs. The Basic Farm/Ranch Assessment includes:

1. ASSISTIVE TECHNOLOGY ASSESSMENT:

The assistive technology (AT) assessment will identify the eligible individual's disability related limitations/barriers that prevent them from completing the essential functions of their employment. Recommendations will be provided on how these limitations can be addressed in order to assist the eligible individual in achieving his/her goal of retaining their farm/ranch employment. This assessment will include recommendations regarding job restructuring, task re-assignment, elimination of tasks, and/or the use of assistive technology to accommodate the disability and allow the individual to perform the essential functions of the job. The assessment may also include information on possible vendors. USOR will provide services that are determined necessary and appropriate to meet the needs of eligible individuals at the least possible cost to USOR. While the Utah Center for Assistive Technology (UCAT) may be utilized for generalized AT assessments for independent living and home modification issues, VR Counselors must use AgrAbility of Utah Project experts for AT assessments specific to agricultural employment issues. VR Counselors are encouraged to meet with the AgrAbility staff and eligible individual to discuss the recommendations, have questions answered, resolve differences, and plan for service provision.

2. ON GOING CONSULTATION:

If the VR Counselor requires additional consultation following the basic AT Assessment funded under the AgrAbility grant, the VR Counselor may authorize a consultation fee as needed up to 20 hours at an hourly rate of \$40 using client service category code 01.7. Counselor Supervisors may authorize up to an additional 10 hours beyond the authority of the VR Counselor. These hours can be used for additional required research, fiscal viability assessments, or other consultation needs beyond the scope of the basic AgrAbility Farm/Ranch Assessment.

28.4 Financial Needs Test

Utah State law requires the application of a financial needs test prior to most paid services (See CSM Chapter 8). When determining financial need for existing farm/ranch employment the VR Counselor and eligible individual must take into consideration the unique and variable financial situation of farm/ranch operations. Many farm/ranch operators do not maintain separate business and personal accounts or bookkeeping. Many farm/ranch operators do not submit separate tax documents for the farm/ranch but will file a "Schedule F" on their regular tax return. Depending on the time of year, (season), farm/ranch accounts can show very large checking and savings balances that are earmarked for the purchase of next season's stock, seed, etc. VR Counselors should assist the eligible individual in accurately completing the financial needs forms based on their actual personal available financial resources excluding resources required to maintain the operations and consistent with the financial viability assessment. VR Counselors are encouraged to consult with the eligible individual, AgrAbility, and supervisory chain of command as necessary. In addition, the nature of farm/ranch operations allows for the VR Counselor and eligible individual to identify and negotiate the appropriate use of "in-kind" or "sweat equity" contributions and comparable benefits that may

be provided by the eligible individual assisting in the preparation and installation of devices where appropriate. As in all VR cases, the eligible individual may volunteer to contribute to the cost of services regardless of their financial needs test.

NOTE: VR Counselors are required to discuss and plan for unpaid services needed by eligible individuals who may not be eligible for paid service based on their financial needs test. Appropriate unpaid services that can assist the eligible individual may include VR counseling and guidance, referral services, and assistance in locating comparable benefits.

28.5 Approvals IPE & Purchasing

See CSM Chapter 12 for approval authority levels and purchasing policy. As with all purchases VR Counselors are required to obtain the appropriate level of approval, include the service in an IPE signed by the eligible individual, and ensure compliance with state purchasing policies. VR Counselors should utilize the DRS Purchasing Agent to ensure that purchases are within procurement policy and regulations.

28.6 Exceptions to Policy

Occasionally VR Counselors may encounter unique personal circumstances that may justify seeking exceptions to policy in order to most effectively serve the client. VR Counselors through collaboration and consultation with the eligible individual, AgrAbility, and the supervisory chain of command should seek exceptions to policy as needed to effectively serve the eligible individual.